

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	METHOD AND SYSTEM FOR TREATING A POWER TRANS-
AKIHIRO NAGATA et al	) MISSION BELT/BELT SLEEVE
Ochar Hor Gorday	) Group Art Unit 1724
Filed January 16, 1998	) Examiner R. Hopkins

## APPELLANT'S REPLY BRIEF UNDER 37 C.F.R. §1.193

Assistant Commissioner for Patents Washington, D.C. 20231
Sir:

This is a reply to the Examiner's Answer mailed on August 3, 2000 in the above matter.

#### Issue No. 1

In the bridging paragraph beginning on page 8 of the Examiner's Answer, the Examiner notes accurately that the pressure wrap in Perkins is described to be optionally made from nylon. The Examiner then concludes

37 CFR 1.8 CERTIFICATE OF MAILING

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"[t]herefore, since nylon, a synthetic resin film, is wrapped around the surface of the belt and the belt with the nylon wrap is vulcanized, then both method claim 1 and apparatus claim 14 are deemed to be clearly anticipated by Perkins."

In concluding the first full paragraph on page 9 of the Examiner's Answer, the Examiner states "Examiner respectfully submits the fact that appellant's specification identifies nylon as a synthetic resin film inherently means that the film also is vapor impervious."

Clarification is appropriate at this time as to the general definition of a "film". Appellant is enclosing herewith a copy of the page from the *Random House Webster's College Dictionary* with the definition of "film" thereon. As can be seen from the definition of film, there is nothing inherent, regardless of the material, that equates "film" with "vapor-impervious". Appellant has throughout the specification and claims characterized the film as "vapor-impervious".

Perkins does not anywhere in his disclosure identify the nylon wrap material as a "vapor impervious" film. The Board can take notice of the fact that nylon material is often woven, as in hosiery, to increase its mechanical strength. In this woven state it is not vapor-impervious. For a pressure wrap as used in the Perkins environment, a woven material may logically be a more practical pressure applying structure than a "vapor-impervious film", which is neither taught nor suggested in Perkins.

In support of his position, the Examiner for the first time cites, for the first time provides copies of, and for first time relies on U.S. Patent No. 4,435,351 (Gilmore)

and Korean Reference No. 90-6987 (Korea '987 - Abstract only). Not only is it inappropriate to raise these references for the first time in the Examiner's Answer, it is also inappropriate to use them as the Examiner has in an attempt to interpret Perkins.

It is elementary that for a rejection under 35 U.S.C. §102 to be appropriate, the relied upon teachings must reside within the four corners of a single document, and in this case Perkins. Using the separate Gilmore and Korea '987 documents relating to pipe formation to interpret Perkins is not appropriate.

Even using the two new references cited by the Examiner, the Examiner's position is not supported. Aside from the fact that both newly cited references are directed to pipe or hose formation, they do not alone or collectively stand for what the Examiner states. The passage in Gilmore referenced by the Examiner briefly describes a vulcanization preparation in which hose components are built upon a mandrel, as described beginning in column 1, line 48 of Gilmore. It is then described that a "cover layer of elastomeric material is applied" after which a cure tape made of wetted nylon is applied. Gilmore does not describe the wetted nylon tape as being vapor impervious. It is possible that the cover layer underlying the wetted nylon tape, and not the nylon tape, is vapor impervious.

The Abstract of Korea '987 is at best sketchy. There is disclosure of a "heat contracting tape". The Examiner assumes from the Abstract that the tape is vapor impervious. However, in the first paragraph of the Abstract, the tape is characterized as containing a "porous Teflon film and bleeder".

In short, the Perkins reference does not teach a vapor impervious film as claimed. The newly cited prior art, which is not even related to power transmission belt formation and should not be applied in interpreting Perkins, does not teach what the Examiner says it does.

In conclusion, Perkins does not disclose a vapor impervious film as claimed, either expressly or inherently.

In the last full paragraph on page 9 of the Examiner's Answer, the Examiner acknowledges that cotton wrap would not be vapor impervious and that the use of the airtight heat resistant bag or envelope proposed by Perkins would logically be used only with cotton as opposed to a nylon pressure wrap. This is reading well beyond the teachings of Perkins to come to such a conclusion. Just as logically, if not more logically, one would assume that if the described nylon pressure wrap would be vapor impervious and function as well as a cotton wrap, one would eliminate the need to use the heat resistant bag or envelope by using the nylon wrap. The use of a cotton wrap would have no apparent advantages and would introduce the requirement to perform an additional step and use an additional element, that being the heat resistant bag or envelope.

### Issue No. 2

The Examiner states in the paragraph bridging pages 10 and 11 that "it would have been obvious to someone of ordinary skill in the art at the time of the invention to extend the vapor impervious film wrapping of Perkins to extend over the edges of belt

sleeve in order to ensure edges of the belt are not damaged during vulcanization by the vapor in the pretreatment chamber." However, if Perkins was using the pressure wrap to provide a vapor impervious film, Perkins may have logically extended the film over the edges so as not to leave the edges exposed.

#### Conclusion

It is respectfully requested that the Examiner's final rejection of claims 1-10, 13-17, and 21-26 be reversed.

Respectfully submitted,

WOOD, PHILLIPS, VAN SANTEN, CLARK & MORTIMER

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Reg. No. 30,091

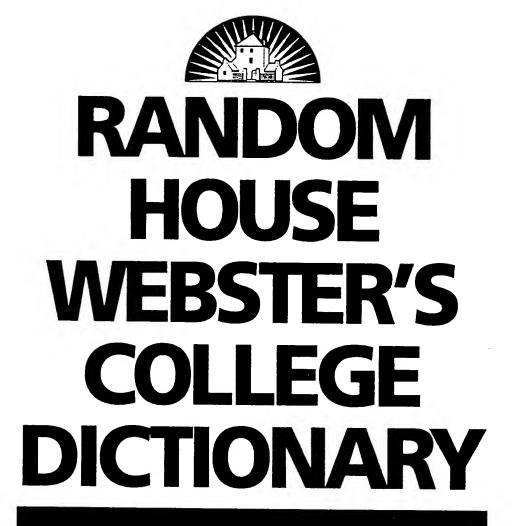
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ornamental work of fine silver, gold, or other metal wires, esp. lacy welers' work of scrolls and arabesques. 2. anything very delicate or jewelers work of scroins and alacades. a symmetric filing anciful: a filigree of frost. —adj. 3. composed of or resembling filigree.—v.t. 4, to adorn with or form into filigree. [1685-95; < F filigrane < It filigrana < L fili-, comb. form of filum thread + grana.

ings), n.t. particles some by a file. [1350–1400] ... , ertaining .... cess. [1500

fili(us) son (cf. fill(la) + -0+ pichell, ... --TY, -ISTIC)]

Fili-i-pi-na (fil'a pē'na), n., pl. -nas. a girl or woman who is a native

or inhabitant of the Phillipines.

Fil-i-pi-no (fil'a pē'nō). n.. pl. -nos. a native or inhabitant of the Phillippines. [1895-1900: < Sp. der. of (las Islas) Filipinas]

Philippines. [1895–1900: < Sp. der. of (tas itsis) ritpinals fill (fil), v.t. 1. to make full: put as much as can be held into: to fill a jar with water. 2. to occupy to the full capacity: The crowd filled the hall. 3. to supply plentifully: to fill a house with furniture. 4. to feed fully: satiate. 5. to put into a receptacle: to fill sand into a pail. 6. to be plentiful throughout: Fish filled the rivers. 7. to pervade completely: The odor filled the room. 8. to furnish (a vacancy or office) with an occupant. 9. to occupy and perform the duties of (a position. post, etc.). 10. to supply the requirements or contents of (an order for goods, a medical prescription, etc.); execute. 11. to supply (a blank space) with written matter, decorative work, etc. 12. to meet satisfactorily, as requirements: to fill a need. 13. to stop up or close (a cavity, tonly, as requirements: to ful a need. 13. to sho up of toles (a Cash) hole, etc.]: to fill a tooth. 14. to insert a filling into (a pastry or other food). 15. a. to distend (a sail) by pressure of the wind so as to impart headway to a vessel. b. to brace (a yard) so that the sail will catch the wind on its after side. 16. to adulterate: to fill soaps with water. 17. to build up the level of (an area) with earth, stones, etc. v.i. 18. to become full. 19. to become distended, as sails with the wind. 20. fill in, a, to supply (missing information). b. to complete by adding detail, as a design or drawing, or by inserting required in-formation into, as a document or form. c. to act as a substitute. d. to fill (a crack, hole, etc.) with some reparative substance. e. to supply information to: Fill us in on your work experience. 21. fill out, a. to complete (a document or form) by supplying required information. b. to become rounder and fuller, as the human face or figure. 22. fill up, a. to fill completely. b. to become completely filled. —n. 23. a full a. to fill completely. b. to become completely filled. —n. 23. a full supply; enough to satisfy want or desire. 24. a quantity of earth, stones, etc., for building up the level of an area of ground. Compare BACKFILL. [bef. 900; ME; OE fyllan] —fill/a-ble, adj.

fill-la-gree (fil'a gre'), n. adj. v.t. greed, gree-ing. FILICREE.
fill-er (fil'ar), n. 1. a person or thing that fills. 2. a thing or substance
used to fill a gap, cavity, or the like. 3. a substance used to fill cracks, pores, etc., in a surface before painting or varnishing. 4. a substance used to give solidity, bulk, etc., as sizing. 5. journalistic material of secondary importance used to fill out a column or page. 6. cotton, down, or other material used to stuff or pad an object. 7, a plate inserted between two parallel structural members to connect them. 8, the tobacco forming the body of a cigat. [1490-1500]

fil-ler or fil-ler (fe'lar, fil'ar), n., pl. -ler, a monetary unit of Hungary, equal to '/im of the forint. [1900-05; < Hungarian < MHG vierer type of coin = vier four + -er -Er']

vierer type of coin = vier Four + er - er - er | er | fil-fil-let (fil/it; usually fi là/ for 1, 7), n., v., fil-let-ed (fil/i tid) or, for 1, 7, fil-let-ed (fi làd/), fil-let-ing. —n. 1, a boneless cut or slice of meat or fish, as the beef tenderloin. 2. an ornamental ribbon for the head; headband. 3. any narrow strip, as of wood, metal, or fabric. 4. a decheadband. 3. any narrow strip, as of wood, metal, or labil. 4. a decorative line impressed on a book cover. 5. a. a narrow flat molding raised or sunk between larger moldings. b. the narrow flat raised strip between two flutes of a column. 6. Lemniscus. — v.t. 7. to cut or prepare (meat or fish) as a fillet. 8. to bind or adorn with or as if with a fillet. [1300–50; ME filet < AF, MF, der. of fill thread]

mill-in/, n. 1. a person or thing that fills in, as a substitute, replacement, or insertion. 2. a brief summary; a rundown. [1915-20]

fill-ing (fil'ing), n. 1. an act or instance of filling. 2. something that is put in as a filler. 3. a substance such as cement, amalgam, gold, or the like, used to fill a cavity caused by decay in a tooth. 4. Also

the like, used to fill a cavity caused by decay in a tooth. 4. Also called weft, woof, yarn carried by the shuttle and interlacing at right angles with the warp in woven cloth. [1350-1400] fill/ing sta/tion, n. service station (def. 1). fil-lip (fil/ap), v.t. 1. to strike with the nail of a finger snapped from the end of the thumb. 2. to tap or strike smartly. 3. to drive by or as if by a fillip. —v.t. 4. to make a fillip with the fingers. —n. 5. an act or instance of filliping: a smart tap or stroke. 6. anything that tends to rouse, excite, or revive: a stimulus. [1425-75; late ME phillippe to make a sound with thumb and right forefinger] Fill-more (fil/môr, môr), n. Millard, 1800-74. 13th president of the United States 1850-53.

United States 1850-53.

United States 1850-55. **fill-ly** (fill-b), n., pl. -lies. 1. a young female horse. 2. Informal. a girl or young woman. [1400-50; late ME fyty < ON fyta female foat] **film** (film), n. 1. a thin layer or coating. 2. a thin sheet of any material: a film of ice. 3. a thin skin or membrane. 4. a delicate web of fill-by the film of the aments or fine threads. 5. a thin haze, blur, or mist. 6. a cellulose nitrate or cellulose acetate composition made in thin sheets or strips and coated with a light-sensitive emulsion for taking photographs or motion pictures. 7. MOTION PICTURE (defs. 1, 2). 8. Often, films, a. moductions, operations, etc. c. motion pictures industry, or its productions, operations, etc. c. motion pictures, as a genre of art or entertainment experimental film. —v.t. 9, to cover with a film, thin skin, or pellicle. 10. a. to photograph with a motion-picture camera. b. to reproduce in the form of a motion picture: to film a novel.

11. to become covered by a film. 12. to direct, make, or otherwise engage in the production of motion pictures. [bef. 1000; ME filme, or filmen membrane] —film/like/, adj.

film-dom (film/dam), n. the motion-picture industry. [1910-15; film-go-er (film/go/ər), n. MOVIECOER.

film-ic (fil/mik), adj. 1. pertaining to or characteristic of moun pictures. 2. containing characteristics resembling those of motor pictures. [1925-20] —film/i-cal-lv. adv.

- --- (1910-15) Files e and in mile of ... icer or un

um·mak·er aliapictures. [1905-10] -film/mak/ing, n.

film/ noir/, n. 1. a motion picture genre marked by grim urban se tings. cynical, bleakly pessimistic characters, and starkly shadowe photography. 2. a motion picture in this genre. [1955-60; < F ::: black filml

film-oq-ra-phy (fil mog/ra fe), n., pl. -phies, a listing of pictures by actor, director, or the like, usu, including facts about the production of each film. [1960-65: FILM + (BIBLI)OCRAPHY]

film-strip (film'strip'), n. a length of film containing a series of the

film+y (fil/mē), adj., film-i-er, film-i-est. 1. thin and light; fine ax gauzy. 2. hazy or misty: glazed. [1595-1605] —film/i-ly, ca: gauzy. 2. hazy —film/i•ness, n

Fi-lo-fax (fi'la faks'), Trademark, a datebook also containing space for addresses, a calendar, and specialized inserts.

for addresses, a calendar, and specialized maskers. fi-lose (fi/los), adj. 1. threadlike, 2. ending in a threadlike process [1815-25; < L fil(um) a thread + -ose!]

fils (fils), n., pl., fils. 1. a monetary unit of Bahrain. Iraq, Jordan. ax Kuwait, equal to how of a dinar. 2. a monetary unit of the Unnet Arab Emirates, equal to how of a dirham. 3. a monetary unit of the Republic of Yemen, equal to how of a rial. Often, fil. [1885-90: < A]

fils (fes), n., pl. fils. French. son: often used after a name with the meaning of Jr., as in Dumas fils. Compare PERE.

fil-ter (fil/tar), n. 1. any substance, as cloth, paper, porous porceinor charcoal, through which liquid or gas is passed to remove so pended impurities or to recover solids. 2. any device, as a tank or tube, containing such a substance for filtering. 3. any of various analogous devices, as for removing dust from air or impurities from the bacco smoke. 4. Informal, a filter-tipped cigarette or cigar. 5. a impurity of the substance of the subst bacco smoke. 4. Informal. a filter-tipped cigarette or cigar. 5. a sessereen of dyed gelatin or glass used in photography to control the redering of color or to diminish the intensity of light. 6. an electrons circuit or device that passes certain frequencies and blocks other —v.t. 7. to remove by the action of a filter. 8. to act as a filter for its slow or partially obstruct the passage of. 9. to pass through or as a through a filter. —v.t. 10. to pass or slip through slowly, as through an obstruction or a filter; penetrate. [1375-1425; late ME filter & Giller of felt used to strain liquids & Come; see FETfiltrum felt, piece of felt used to strain liquids < Gmc; see FDT

-fil/ter-er. n fil-ter-a-ble (fil/tar a bal) also filtrable, ad). 1. capable of being 6 tered. 2. capable of passing through bacteria-retaining filters. [1905-10] —fil/ter-a-bil/i-ty, fil/ter-a-ble-ness, n.

fil/terable vi/rus, n. a virus small enough to pass through a bacter a-retaining filter: an informal indicator of size, as recent filters cas hold back the smallest viruses. [1910-15]

fil/ter bed/, n. a pond or tank having a false bottom covered sand and serving to filter river or pond waters. [1870-75]

fil/ter feed/er, n. any aquatic animal, as a sponge or clam. the feeds by straining food particles and small organisms from the water. fil/ter tip/, n. 1. a mouthpiece for a cigarette or cigar baving a means of filtering the smoke. 2. a cigarette or cigar having such a mouthpiece. [1930-35] —fil/ter-tipped/, adi.

filth (filth), n. 1. offensive or disgusting dirt or refuse. 2. foul cook tion. 3. moral impurity, corruption, or obscenity. 4. vulgar or obscenity and the control of the

filth-y (fil'the), adj., filth-i-er, filth-i-est, adv. —adi. 1, foul sile characterized by, or having the nature of filth; disgustingly or operately dirty. 2 vulgar or obscene: filthy language. 3, contemptible fensive, vile, or objectionable. 4, abundantly supplied (often followith): They're filthy with money. —adv. Idion E filthy rich et al. with): They're filthy with money. —adv., Idiom. 5, filthy ith tremely wealthy. [1350-1400] —filth/i-ly, adv. —filth/i-ness, ft.

fil/thy lu/cre, n. Facetious. money, as contrasted with nonmaterial tic rewards. [1520-30]

filetrate (filetrate), v., -trat-ed, -trat-ing, n. —v.r., v.i. 1, to filter.

2. liquid that has been passed through a filter. [1605-15: < M. filetrate [1605-15: < M. file tus, ptp. of filtrare to filtrar. = filtrar-a-ble, adj. —fil-tra/tion. filum (fi/am), n., pl. -la (-la), a threadlike structure: filames [1855-60; c. L. a thread, filament, fiber]

[1855-60; < L: a thread, filament, fiber]

fim-bri-a (fim'brê a), n., pl. -bri-ae (-brê ê'). Biol. a fringe of fime-brider, as around a petal, orifice, or duct. [1745-55: < ¾2: limbriae (pl.) border, fringe] — fim'bri-al, adi.

fim-bri-ate (fim'brê it, -¾1') also fim-bri-at-ed (-¾'tid), adi. brid a fimbria or fimbriae. [1480-90: < L] —fim'bri-a'tion, n. fin' (fin), n. p., finned, fin-ning. —n. 1. a membranous, wingibe paddlelike organ attached to any of various pans of the body of tain aquatic animals 2 a winelike appendice to a buil. as one a tain aquatic animals. 2. a winglike appendage to a hull, as one to the divergence of a submarine. 3. any of certain small. Submarine. 3. any of certain small. Submarine. 4. any of a number of standing pidges. 4. any of a number of standing ridges, as on a radiator or engineer, intended to maximize heat transfer to the surrounding in (on an automobile body) a fin-shaped ornamental part. esp. 00 a fender (tail fin). 6. Usu., fins. ruprez (def. 2). —1:1. 7. 10 provide

-v.i. 8. to lash the water Gress, adj. a five-pound note < Y (fin), n. Slang, a five-do

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1. Finland. 2. Finnish. 1. finance. 2. financial. 3 ble or fine-a-ble (fi/r Sina-gle (fi na/gall, 2., -qle fortune. 2. to get or achiev polation: to finagle an invi. and; scheme. [1925-30, Ar. come to shirk, renege] —fi-(fin/l), adi. 1. pertaini: der, or time. 2. ultimate: ti fal decision. 4. constitution precluding further cont decree. —n. 6. somethin the last and decisive gar ments. b. the last, usu, con may, [1300-50; MZ < L fit for and producer. Comparator and producer. Comparator [fi nal\*é, -nā\*lē), n. concert, opera, or compa Four', n. the four re Le U.S. college basketball ch. and of a contest, as in a

**al-i-ty** (fi nai≝ :€i. n., p final. 2. something that :

finalize (fin'l la'), v.t.,

finaliza/tion, Fail-ly (fin'l ê), adr. 1. a inner, conclusively or dec: Her three tries, he finally por Final Solution, me the N Europe during the Third Re

Gance (fi nans/. 69/nans. pagement of revenues, o ds of banking and invest of a company, individual or capital: obtain me AF, MF finance, der, of fi-nance/a-ble adi nce com/pany, n of financing as lendin cial (fi nan/shal, fi with money and FINANCIAL, FISCAL, V
with money FINA ctions of some size of used esp. in connects the control of der (fin'an ser', fil' ing large financial 2 to finance. — n... 3 - text] coing (fi nan'sing. 5 funds for an enterp

funds for an enterprise (fin/bak'), it am physalus, having a whale', fin whale flinch), it any of value Fringillia, and dinch), n. anv of va dae Fringillidae, and dor eating seeds. It ind), v., found, find-the to find a dane, and or effort to find to discover or per-one 5, to gain or re-5 to gain or reby study or calcuor place. 9, to die I hope this finds indictment, verdict ine of (someone) discovery —Id-

ON finns. Co :.